

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3                   JOEY TERRALL CHADWICK,

4                                   Petitioner,

5                   v.

6                   STATE OF NEVADA, *et al.*,

7                                   Respondents.

Case No.: 2:25-cv-00711-APG-BNW

**Order Screening and Serving Petition  
and Appointing Counsel for Petitioner**

9                   This action is a petition for a writ of habeas corpus under 28 U.S.C. § 2254 by Joey  
10                  Terrall Chadwick, an individual incarcerated at Nevada's Southern Desert Correctional Center.  
11                  Chadwick has filed a *pro se* petition for writ of habeas corpus. ECF Nos. 1-1, 1-2.

12                  Chadwick has not paid the \$5 filing fee, and he has not filed an application to proceed *in*  
13                  *forma pauperis*. I will, however, suspend the requirement that Chadwick do one or the other. I  
14                  will set a deadline for Chadwick to pay the filing fee or file an *in forma pauperis* application  
15                  after appointed counsel appears for him.

16                  I examined Chadwick's petition as required by Rule 4 of the Rules Governing Section  
17                  2254 Cases in the United States District Courts. The petition merits service upon the  
18                  respondents. I will order the petition served upon the respondents and the respondents to appear,  
19                  but will not require any further action on their part at this time.

20                  State prisoners not sentenced to death and applying for habeas corpus relief in federal  
21                  court are not entitled to appointed counsel unless the circumstances indicate that appointed  
22                  counsel is necessary to prevent due process violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196  
23                  (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)). The

1 court may, however, appoint counsel at any stage of the proceedings if the interests of justice so  
2 require. *See* 18 U.S.C. § 3006A; *see also* Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801  
3 F.2d at 1196. Chadwick has not filed a motion for appointment of counsel, but the interests of  
4 justice call for appointment of counsel for him in this case. I will appoint the Federal Public  
5 Defender for the District of Nevada (FPD) to represent him. If Chadwick does not wish to have  
6 appointed counsel, he may file a motion for reconsideration of the appointment within 30 days of  
7 the entry of this order.

8 I THEREFORE ORDER that the Federal Public Defender for the District of Nevada  
9 (FPD) is appointed to represent Chadwick. If the FPD is unable to represent him because of a  
10 conflict of interest or any other reason, alternate counsel will be appointed. Appointed counsel  
11 will represent Chadwick in all federal court proceedings relating to this matter unless allowed to  
12 withdraw.

13 I FURTHER ORDER that if Chadwick does not wish to have appointed counsel in this  
14 case, he may file a motion for reconsideration of the appointment within 30 days of the entry of  
15 this order.

16 I FURTHER ORDER the Clerk of the Court to electronically serve upon the FPD a copy  
17 of this order, together with a copy of the petition for writ of habeas corpus (ECF Nos. 1-1, 1-2).  
18 The FPD will have 30 days from the entry of this order to file a notice of appearance or to  
19 indicate its inability to represent Chadwick.

20 I FURTHER ORDER that the requirement that Chadwick pay the filing fee for this action  
21 is suspended. I will set a deadline for Chadwick to pay the filing fee or to file an application to  
22 proceed *in forma pauperis* after appointed counsel appears for him.  
23

1 I FURTHER ORDER the Clerk of the Court to add Aaron Ford, Attorney General of the  
2 State of Nevada, as counsel for the respondents and to provide the respondents an electronic  
3 copy of all items previously filed in this case by regenerating the Notice of Electronic Filing to  
4 the office of the Attorney General only.

5 I FURTHER ORDER that the respondents will have 30 days from the entry of this order  
6 to appear in this action. The respondents will not be required to respond to the habeas petition at  
7 this time.

8 DATED: April 24, 2025

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12 ANDREW P. GORDON  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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